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October 12, 2018

**VIA ECF**

The Honorable James Orenstein  
United States Magistrate Judge  
United State District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, NY 11201

**Re:   Kerley v. Sterling Equipment, Inc.  
      17 CV-5717 (JBW)(JO)**

Dear Judge Orenstein:

We represent plaintiff, Anthony Kerley, in the captioned action and write jointly with Edward P. Flood, Esq. of Lyons & Flood, LLP, attorneys for defendant, Sterling Equipment, Inc. We write to advise the court that parties have settled the action. Accordingly, we attach hereto a proposed thirty day Order and Stipulation of Dismissal dated October 11, 2018 for the Court's consideration and approval.

Thank you.

Respectfully,

FRIEDMAN, JAMES & BUCHSBAUM LLP

  
John P. James

JPJ:kk

The Honorable James Orenstein  
United States Magistrate Judge  
United State District Court  
Eastern District of New York  
October 12, 2018  
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cc: Lyons & Flood, LLP  
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**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

-----X

ANTHONY KERLEY,

17 CV-5717 (JBW)(JO)

Plaintiff,

-against-

**ORDER AND  
STIPULATION OF DISMISSAL**

STERLING EQUIPMENT, INC.,

Defendant.

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**IT IS HEREBY STIPULATED AND AGREED**, by and between the attorneys of record for the parties in the captioned action that, pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure the captioned action having been settled, it be and hereby is dismissed with prejudice, but without costs to any party; and

**IT IS HEREBY FURTHER STIPULATED AND AGREED** that if the settlement is not fully consummated within thirty (30) days of entry of the within Stipulation and Order of Dismissal on the Court's docket, any party may apply for restoration of the action to the Court's docket, including for purposes of enforcing the settlement.

Dated: New York, New York  
October 11, 2018

**FRIEDMAN, JAMES & BUCHSBAUM LLP**  
Attorneys for Plaintiff

By:

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**SO ORDERED:**

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U.S.D.J.